

ESTTA Tracking number: **ESTTA625263**

Filing date: **09/04/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

### Petitioner Information

Name	SRA International Inc.		
Entity	Corporation	Citizenship	Virginia
Address	4300 Fair Lakes Court Fairfax, VA 22033 UNITED STATES		

Attorney information	B. Brett Heavner Finnegan Henderson Farabow Garrett & Dunner, LLP 901 New York Avenue, NW Washington, DC 20001 UNITED STATES docketing@finnegan.com, b.brett.heavner@finnegan.com, TTAB-Legal-Assistants@finnegan.com Phone:202-408-4000
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### Registration Subject to Cancellation

Registration No	3556895	Registration date	01/06/2009
Registrant	Acuity Solutions 6130 SPRINT PARKWAY, SUITE 400 OVERLAND PARK, KS 66211 UNITED STATES		

### Goods/Services Subject to Cancellation

Class 042. First Use: 2002/08/01 First Use In Commerce: 2002/08/01 All goods and services in the class are cancelled, namely: Consulting in the field of information technology
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### Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	9-4-14 Petition for Cancellation 3556895.pdf(159787 bytes )
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## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/B. Brett Heavner/
Name	B. Brett Heavner

Date	09/04/2014
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

SRA International Inc.,

Petitioner,

v.

Fishnet Security, Inc.

Respondent.

)  
) Cancellation No. \_\_\_\_\_  
)  
)

) Mark:  
)  
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)  
) Reg. No. 3556895  
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**PETITION FOR CANCELLATION**

SRA International, Inc. ("Petitioner"), a Virginia Corporation having a principal place of business at 4300 Fair Lakes Court, Fairfax, Virginia 22033, believes that it is being damaged by the registration of the mark ACUITY SOLUTIONS and Design shown in Registration No. 3556895 and hereby petitions to cancel the same.

As grounds for its cancellation, Petitioner alleges that, upon actual knowledge with respect to itself and its own acts, and upon information and belief as to other matters:

**Petitioner and its ACUITY INSIGHTFUL SOLUTIONS Mark**

1. Petitioner owns all trademark rights associated with the mark ACUITY INSIGHTFUL SOLUTIONS which it has used in connection with information technology consulting since at least as early as September 2013.

2. Petitioner is the owner of Application Serial No. 86085294 filed on October 8, 2013, for the mark ACUITY INSIGHTFUL SOLUTIONS covering "Consulting in the field of information technology; Providing on-line non-downloadable software for assessing an organization's information technology systems."

3. On June 24, 2014, the U.S. Patent And Trademark Office issued a final refusal of Petitioner's Application Serial No. 86085294 based on alleged likelihood of confusion with the mark depicted in Registration No. 3556895.

**Respondent and Its Registration No. 3556895**

4. Respondent acquired Registration No. 3556895 from its original owner, Acuity Solutions Holding on March 19, 2009.

5. Respondent is not currently using the mark depicted in Registration No. 3556895 for the goods and services listed in that registration.

6. Respondent is not currently using the mark depicted in Registration No. 3556895 for any of its goods and services.

7. Respondent has not used the mark depicted in Registration No. 3556895 for any of the goods/services listed in that registration for three years prior to the date of this petition.

8. Respondent has not used the mark depicted in Registration No. 3556895 for any of the goods/services listed in that registration since acquiring it in March 2009.

9. Any rights that Respondent had in the mark depicted in Registration No. 3556895 were abandoned based upon (a) non-use of the mark for the goods/services listed in that registration for at least three consecutive years and (b) no intent to commence or resume use of the mark for such goods/services.

WHEREFORE, Petitioner believes that it is being and will continue to be damaged by Registration No. 3556895 and requests that the Board sustain the Petition for Cancellation and cancel this registration.

The filing fee has been submitted electronically. Any deficiency in the fee should be charged to Deposit Account No. 06-0916.

Respectfully Submitted,

Dated: September 4, 2014

By: 

B. Brett Heavner  
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GARRETT & DUNNER, L.L.P.  
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Attorneys for Petitioner  
SRA International, Inc.

**CERTIFICATE OF SERVICE**

I certify that a true and accurate copy of the foregoing Petition for Cancellation was served by First Class Mail, postage prepaid, this 4<sup>th</sup> day of September 2014, upon Respondent and counsel for Respondent at the following addresses of record:

Fishnet Security, Inc.  
6130 Sprint Parkway, Suite 400  
Overland Park, Kansas 66211-1155

Timothy J. Feathers  
Stinson Leonard Street LLP  
1201 Walnut Street, Suite 2900  
Kansas City, Missouri 64106-2150

  
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